

Rule 126
All
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53. The method of claim 52, wherein the composition of said dietary fat composition is consistent with the Step 1 diet of the American Heart Association.

REMARKS

In response to the obviousness-type double patenting rejection of claims 7-22, 24, 25, 29, and 30, Applicant submits herewith a terminal disclaimer whereby Applicant disclaims the terminal portion of a patent issuing on this application which extends beyond the expiration of United States Patent 5,578,334. Applicant requests that the Examiner reconsider the double patenting rejections under 35 USC §101 of claims 1-6, 23, and 26-28 as applied to the claims as amended.

In addition, Applicant requests the entry of the amendments to the text of the specification indicating that the specified fat compositions are consistent with the Step I diet of the American Heart Association. These amendments do not constitute new matter as the relationship described for the claimed fat compositions to the Step I diet of the American Heart Association was clearly indicated in the Sundram et al. manuscript which was part of the initial disclosure (as Appendix 1) of the parent application Serial No. 08/418,641 which issued as U.S. Patent 5,578,334, which was explicitly incorporated into the present application by reference. The general fat content of the American Heart Association Step 1 diet is described in the fourth paragraph of the Introduction, where it is stated that "saturates, monounsaturates and polyunsaturates each contribute about 10% of total energy." Relevant references to the Step I diet of the American Heart Association are also present, for example, in Appendix 1 in the first paragraph under Experimental Design, in the first paragraph under Composition of Fat Blends and 7 Day Rotating Menus, and in the second paragraph under Results. Additional references are also present. Those of ordinary skill in the field of nutrition know and

understand the dietary parameters specified by the American Heart Association Step 1 diet. Thus, the present amendments merely place in the text and claims of the current application information which was expressly part of the parent application. Thus, these amendments do not constitute new matter and require no additional search.

Applicant also submits new claims 37-53 above, which concern fat compositions having particular compositions, prepared food products which include specified fat compositions, and a method of aiding a person to increase the serum HDL concentration and HDL/LDL concentration ratio. Support for these claims is provided in the specification, for example at p.18, lines 5-21, p.19, lines 12-20, and p.30, line 23 to p.31, line 2.

Applicant submits that the claims are now in condition for allowance and respectfully requests a notice to that effect.

No fee is believed due in connection with this communication. However, if any fee is due, kindly charge Deposit Account 12-2475 for the appropriate amount.

Respectfully submitted,

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